

61230

Vol. m93 Page 10352

NOTICE OF DEFAULT AND ELECTION TO SELL

Reference is made to that certain trust deed made by PAUL W. WARSHAUER

MOUNTAIN TITLE COMPANY OF KLAMATH COUNTY ***, as grantor, to
 in favor of DANIEL LEE EDDY, as trustee,
 dated June 14, 1990, recorded June 14, 1990, in the mortgage records of
Klamath County, Oregon, in book/reel/volume No. M90 at page 11673, or as
 fee/file/instrument/microfilm/reception No. 16247 (indicate which), covering the following described real
 property situated in the above-mentioned county and state, to-wit:

Lots 16 and 17, Block 5, RIVERVIEW, according to the official plat thereof on file
 in the office of the County Clerk of Klamath County, Oregon.

Klamath County Tax Account #3909-005CD-02000 and #3909-005CD-02100.

***By Appointment of Successor Trustee dated April 19, 1993, Neal G. Buchanan, attorney
 at law, was appointed as successor trustee.

*The undersigned hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary
 and no appointments of a successor trustee have been made except as recorded in the mortgage records of the county
 or counties in which the above-described real property is situated, further, that no action has been instituted to recover
 the debt, or any part thereof, now remaining secured by the trust deed, or, if such action has been instituted, such
 action has been dismissed except as permitted by ORS 86.735(4).*

*There is a default by the grantor or other person owing an obligation, the performance of which is secured by
 the trust deed, or by the successor in interest, with respect to provisions therein which authorize sale in the event of
 default of such provision; the default for which foreclosure is made is grantor's failure to pay when due the following
 sums: a portion of the monthly payment due May 14, 1992 (\$212.84), as well as the entirety
 of the monthly payments due the 14th day of June, 1992 and the 14th day of each and every
 month thereafter in the amount of \$246.09; real property taxes for the accounts, tax years,
 and in the amounts as follows:*

SEE EXHIBIT A

*By reason of the default, the beneficiary has declared all sums owing on the obligation secured by the trust
 deed immediately due and payable, those sums being the following, to-wit:*

1. principal unpaid balance in the sum of \$24,910.24, together with unpaid interest
 through February 1, 1993 in the sum of \$1,760.18; together with interest on the unpaid
 balance at the rate of 10% per annum from February 1, 1993 until paid.
2. Unpaid real
 property taxes for the accounts, tax years, and in the amounts as follows:

SEE EXHIBIT A

— OVER —

NOTICE OF DEFAULT
AND ELECTION TO SELL

Re: Trust Deed from
Paul W. Warshauer

Grantee.

TO
Mountain Title Company of Klamath
 County (Neal G. Buchanan, attorney
 at law, successor)

Trustee

After recording return to (Name, Address, Zip):
Neal G. Buchanan
601 Main Street, Suite 215
Klamath Falls, Oregon 97601

SPACE RESERVED
 FOR
 RECORDER'S USE

STATE OF OREGON,

County of _____ } ss.

*I certify that the within instrument
 was received for record on the _____ day
 of _____, 19____,
 at _____ o'clock _____ M., and recorded
 in book/reel/volume No. _____ on
 page _____ or as fee/file/instru-
 ment/microfilm/reception No. _____,
 Record of Mortgages of said County.*

*Witness my hand and seal of
 County affixed.*

NAME

TITLE

By _____, Deputy

Notice hereby is given that the beneficiary and trustee, by reason of the default, have elected and do hereby elect to foreclose the trust deed by advertisement and sale pursuant to ORS 86.705 to 86.795, and to cause to be sold at public auction to the highest bidder for cash the interest in the described property which the grantor had, or had the power to convey, at the time of the execution by grantor of the trust deed, together with any interest the grantor or grantor's successor in interest acquired after the execution of the trust deed, to satisfy the obligations secured by the trust deed and the expenses of the sale, including the compensations of the trustee as provided by law, and the reasonable fees of trustee's attorneys.

The sale will be held at the hour of 1:00 o'clock, P.M., in accord with the standard of time established by ORS 187.110 on September 16, 1993, at the following place: 601 Main Street, Suite 215, First Interstate Bank Building in the City of Klamath Falls, County of Klamath, State of Oregon, which is the hour, date and place last set for the sale.

Other than as shown of record, neither the beneficiary nor the trustee has any actual notice of any person having or claiming to have, any lien upon or interest in the real property hereinabove described subsequent to the interest of the trustee in the trust deed, or of any successor in interest to the grantor or of any lessee or other person in possession of or occupying the property, except:

NAME AND LAST KNOWN ADDRESS

NATURE OF RIGHT, LIEN OR INTEREST

Paul W. Warshawer
8919 Shady Pine Road
Klamath Falls, Oregon 97601

Grantor

William G. Keller
c/o Douglas Osborne
Attorney at Law
439 Pine Street
Klamath Falls, Oregon 97601

Judgment Creditor in
Klamath County Circuit Court
Case No. 9100523CV

Kent Pederson, Registered Agent
Carter-Jones Collection Service, Inc.
1143 Pine Street
Klamath Falls, Oregon 97601

Judgment Creditor in
Klamath County Circuit Court
Case No. 9102456CV

SEE EXHIBIT A

Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying the sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by ORS 86.753.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

Neal G. Buchanan
NEAL G. BUCHANAN

DATED May 10, 1993

Successor
Trustee

Beneficiary

(state which)

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on May 10, 1993,
by Neal G. Buchanan

This instrument was acknowledged before me on _____, 19____,
by _____
as _____
of _____



OFFICIAL SEAL
MARSHA COBINE
NOTARY PUBLIC - OREGON
COMMISSION NO. 010787
MY COMMISSION EXPIRES NOV. 07, 1995

Marsha Cobine

Notary Public for Oregon

My commission expires 11-7-95

EXHIBIT A

<u>Account Number</u>	<u>Tax Year</u>	<u>Amount Due</u>
R534005	1990-91	\$ 161.39 + interest
	1991-92	196.96 + interest
	1992-93	191.18 + interest
R534014	1990-91	161.22 + interest
	1991-92	196.79 + interest
	1992-93	191.01 + interest

and failure to maintain fire and other hazard insurance on the premises as required by paragraph 4 of the Trust Deed.

* * * * *

2. (continued):

<u>Account Number</u>	<u>Tax Year</u>	<u>Amount Due</u>
R534005	1990-91	\$ 161.39 + interest
	1991-92	196.96 + interest
	1992-93	191.18 + interest
R534014	1990-91	161.22 + interest
	1991-92	196.79 + interest
	1992-93	191.01 + interest

3. All costs and expenses actually incurred in enforcing the obligation of the Trust Deed, together with trustee's and attorney's fees as provided by paragraph 13 of the Trust Deed.

* * * * *

Continued:

<u>Name and Last Known Address</u>	<u>Nature of Right, Lien or Interest</u>
Rosen, Wachtell and Gilbert, P.C. c/o Jon H. Paauwe 201 Main Street, Suite 3C Medford, Oregon 97501	Judgment Creditor in Klamath County Circuit Court Case No. 9102456CV
Rosen, Wachtell and Gilbert, P.C. c/o Jon H. Paauwe 201 Main Street, Suite 3C Medford, Oregon 97501	Judgment Creditor in Klamath County Circuit Court Case No. 9204262CV
Occupant 1845 Grape Street Klamath Falls, Oregon 97601	Tenant or Party in Possession
Occupant 1847 Grape Street Klamath Falls, Oregon 97601	Tenant or Party in Possession
Occupant 1905 Grape Street Klamath Falls, Oregon 97601	Tenant or Party in Possession

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Neal G. Buchanan the 10th day
of May A.D., 19 93 at 10:51 o'clock A M., and duly recorded in Vol. M93
of Mortgages on Page 10352.

FEE \$20.00

Evelyn Biehn - County Clerk

By Pauline Mulender